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FAX TRANSMISSION COVER SHEET

Date: *March 12, 2002*

To: *Norma Watson
PETITIONS BRANCH
United States Patent and Trademark Office*

Fax: *(703) 305-3719*

Re: *7905.15*

Sender: *Dianne Freedman, Paralegal for Fraser D. Roy*

***Attached is a copy of the Petition to Make Special for Application
Serial No. 09/560,779, as filed on July 28, 2000.***

***YOU SHOULD RECEIVE 26 PAGES, INCLUDING THIS COVER SHEET. IF YOU
DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (801) 533-9800.***

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Buchanan et al.**

Docket No.

7905.15

Serial No.

09/560,779

Filing Date

April 28, 2000

Examiner

Not Yet Assigned

Group Art Unit

Not Yet Assigned

**Invention: METHOD AND SYSTEM FOR PROCESSING FINANCIAL INSTRUMENT DEPOSITS PHYSICALLY
REMOTE FROM A FINANCIAL INSTITUTION**

I hereby certify that this Petition to Make Special (including the items listed below)
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on July 28, 2000
(Date)

Kevin K. Johanson

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

EL550340601US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

Transmitted: **Petition to Make Special Under 37 C.F.R. § 102(d) (20 pgs.)**
Transmittal Letter in triplicate (1 pg.s)
Check No. 116836 in the amount of \$130.00 for filing fee of Petition
Form PTO-1449
Copies of sixteen (16) prior references
Certificate of Mailing by Express Mail Label No. EL550340601US
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TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
7905.15In Re Application Of: **Buchanan et al.**Serial No.
09/560,779Filing Date
April 28, 2000Examiner
Not Yet Assigned

Group Art Unit

**Title: METHOD AND SYSTEM FOR PROCESSING FINANCIAL INSTRUMENT DEPOSITS PHYSICALLY
FROM A FINANCIAL INSTITUTION****TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:**

Transmitted herewith is:

Petition to Make Special Under 37 C.F.R. Section 102(d)**Transmittal Letter****Certificate of Mailing by "Express Mail" Label No. EL550340601US****Copies of sixteen (16) references****Check No. 116836 in the amount of \$130**

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of \$130.00 is attached.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.


Signature

Dated: July 28, 2000

Kevin K. Johanson
Registration No. 38,506**022913**

PATENT TRADEMARK OFFICE

CC:

I certify that this document and fee is being deposited
on July 28, 2000 with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Commissioner of Patents and Trademarks, Washington,
D.C. 20231.


Signature of Person Mailing CorrespondenceKevin K. Johanson
Typed or Printed Name of Person Mailing Correspondence

Express Mail Label No. EL550340601US

PATENT APPLICATION
Docket No: 7905,15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	
Buchanan et al.)	
)	Art Unit
Title:	METHOD AND SYSTEM FOR PROCESSING)
	FINANCIAL INSTRUMENT DEPOSITS)
	PHYSICALLY REMOTE FROM A FINANCIAL)
	INSTITUTION)
)	
Serial No:	09/560,779)
)	
Filed:	April 28, 2000)

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 102 (d)

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants hereby respectfully requests that examination of the above-referenced patent application be advanced out of turn and requests that the prosecution thereof be performed in an expedited manner. In conformance with 37 C.F.R. § 102 (d), Applicants submit this written petition accompanied by the filing fee set forth in 37 C.F.R. § 1.17 (i) (2).

Should a restriction requirement be thought necessary, Applicants request that prompt telephonic notice be given to Kevin K. Johanson at the following telephone number at which time Applicants will make an election without traverse ((801) 533-9800).

Applicants have caused to be made two careful and thorough pre-examination searches of the prior art. One search was performed by Roger Flagg, a professional searcher with Express Search. Examiners MacDonald and Tkacs, in Art Unit 2761 were consulted regarding the field of search. Mr. Flagg searched Class 705, subclasses 35, 39 and 42; Class 235, subclass 379. The other search was performed by Applicants.

The following references were discovered in the above-referenced pre-examination search and will be discussed in detail below:

U.S. Patent No. 6,032,137 (Ballard)
U.S. Patent No. 5,999,624 (Hopkins)
U.S. Patent No. 5,930,778 (Geer)
U.S. Patent No. 5,895,455 (Bellinger et al.)
U.S. Patent No. 5,832,463 (Funk)
U.S. Patent No. 5,787,403 (Randle)
U.S. Patent No. 5,691,524 (Josephson)
U.S. Patent No. 5,583,759 (Gcer)
U.S. Patent No. 5,412,190 (Josephson et al.)
U.S. Patent No. 5,373,550 (Campbell et al.)
U.S. Patent No. 5,326,959 (Perazza)
U.S. Patent No. 5,321,816 (Rogan et al.)
U.S. Patent No. 5,237,159 (Stephens et al.)
U.S. Patent No. 4,358,671 (Case)
U.S. Patent No. 4,321,672 (Braun et al.)
U.S. Patent No. 4,264,808 (Owens et al.)

**DETAILED DISCUSSION OF THE REFERENCES AS SPECIFIED
IN 37 C.F.R. § 1.111 (b) AND (c)**

I. NATURE OF THE PRESENT INVENTION

A system that includes computer hardware, computer software, apparatus, and methodology that enables individuals, businesses, and all types of organizations (both for profit and non-profit) to capture and securely transmit check images (including, but not limited to, personal checks, business checks, travelers checks, money orders, merchant coupons, food coupons, line of credit checks, etc.), deposit information, and other information from remote locations (i.e., locations that could include the financial institution's remote locations, other financial institution's locations, businesses, private residences, etc.), for the purpose of having those checks credited to the depositing individual's or organization's bank account(s) and having the check images (and/or physical checks) entered into the bank check clearing channels for ultimate delivery to the maker bank for payment out of the maker's account.

II. DESCRIPTION OF REFERENCES FOUND IN PRE-EXAMINATION SEARCH

A. Ballard Patent

United States Patent No. 6,032,137, REMOTE IMAGE CAPTURE WITH CENTRALIZED PROCESSING AND STORAGE, issued on February 29, 2000 to Claudio R. Ballard. The referenced patent is intended for the automated storage and retrieval of all kinds of remotely captured transaction data from a variety of sources including credit card transactions, smart card transactions, automated teller machine (ATM) transactions, consumer purchases, business forms, W2 forms, birth certificates, deeds and insurance documents.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking, savings, etc.), creating and storing an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for payment. This process involves storage and retrieval of data and images captured from at the remote check capture locations. However, the storage and retrieval of data is a by-product of the invention and will use commonly accepted commercially available storage and retrieval hardware and software.

B. Hopkins Patent

United States Patent No. 5,999,624, REMOTE FINANCIAL TRANSACTION SYSTEM, issued on December 7, 1999 to W. Dale Hopkins. The reference allows for remote payments of financial obligations using a payment module over communications link and incorporating password security. The reference uses credit card magnetic stripe information to identify what accounts the payments should be transferred from.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location), which includes crediting their account (checking, savings, etc.). creating and storing an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for payment. This process involves the transmission of information and check images associated with a particular deposit and/or depositor. The invention has no purpose or design associated with transmitting data from remote locations for the purpose of payment of financial obligations.

C. Geer Patent

United States Patent No. 5,930,778, SYSTEM FOR EXPEDITING THE CLEARING OF FINANCIAL INSTRUMENTS AND COORDINATING THE SAME WITH INVOICE PROCESSING AT THE POINT OF RECEIPT, issue on July 27, 1999 to Terry L. Geer. This reference includes the capture of financial information at locations created for lock box processing. The lock box process allows for checks or other financial instruments to be captured along with a payment coupon as part of the payment process. The check images are captured as well as the MICR line. The checks can either be sent to a central site for capture and presentment through the normal check clearing paths or the MICR line information is captured at the lock box site and sent to the central site for further electronic sorting and processing both with regard to the introduction of the checks into the payment system and the crediting of funds represented by the checks to the payee's account at the bank. When the image is captured it is retained for research purposes. Once at the central site the checks or electronic totals are credited to the account of the sender and the check information is forwarded through the electronic channels.

The current patentable process differs in that it contains nothing related to payment processing. The process is designed to capture images and MICR line information of the checks that are going to be credited to the payee's account and processed as an image through the check clearing channels. Once the check is captured it is voided and can be retained, destroyed by the depositor, or returned to the person who gave it to the depositor, or destroyed.

The primary differences are that the inventive process is not a lock box process, and the process to be patented is based on using check images for the clearing process as compared to bank information from the checks as in the referenced patent. In addition, the patent is designed to

scrutinize the check data at the remote site as it is being captured through an interactive process with a central site to ensure the data and depositor information is complete and correct. Any check not passing this scrutiny may either be rejected for manual processing, or the data may be changed with interactive direction from the central site, and the image is processed. The checks are also endorsed and voided (to keep them from being re-deposited) at the direction of the central computers or check processing personnel. At this point the physical check can either be filed, returned to the person who gave it to the depositor, or destroyed by the depositor.

D. Bellinger et al. Patent

United States Patent No. 5,895,455, DOCUMENT IMAGE DISPLAY SYSTEM AND METHOD, issued on April 20, 1999 to David T. Bellinger et al. The reference is a method for providing user access to a selected group of document images of all kinds including check images. The traditional high-speed image capture is used to acquire and store the image of the checks. Once the image is created additional reference data is added to it (by the reference patent) and it is stored for retrieval (CD, print, and on-line viewing, etc.). This system is first and foremost an image storage, retrieval and view system with the traditional check processing and collection methodology continuing and "feeding" this system to enable it to store and retrieve images for later reference. This system does not deal with check depositing, rather it is the beneficiary of traditional check depositing and processing.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking,

savings, etc.), creating an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for payment.

E. **Funk Patent**

United States Patent No. 5,832,463, AUTOMATED SYSTEM AND METHOD FOR CHECKLESS CHECK TRANSACTION, issued on November 3, 1998 to Wade L. Funk. The reference deals with capturing check image and other information associated with a point of sale transaction. The focus of point of sale transactions is to transfer funds out of the accounts of the purchaser(s) for the purpose of paying for a monetary transaction at a place of business. This allows for a check-less transaction for payment of monetary obligations. Images of checks are not used for creating the information required to transfer money out of the purchaser's account, the check image created is used for research purposes only. The MICR line information is used by the vendor to create the information required to transfer funds out of the check maker's account into the vendor's account in payment of the financial obligation.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking, savings, etc.), creating and storing an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for payment. While the reference deals with check information to transfer funds out of the purchasers account to pay for a monetary transaction, the invention deals with depositing funds into a depositor's account from check(s) given to them as settlement of an obligation, and to present the deposited checks through the check collections processes and systems to transfer funds from the accounts of the check makers

into the account of the depositor. The invention does not have any reference or purpose of transferring funds out of accounts for settling monetary transactions.

F. Randle Patent

United States Patent No. 5,787,403, BANK-CENTRIC SERVICE PLATFORM, NETWORK AND SYSTEM, issued on July 28, 1998 to William M. Randle. This invention relates to a bank-centric network identifying a bank as a central service provider to a customer and is designed to provide user access, presentation and gateway functions that permit a customer to communicate with product providers through a financial institution. The network is customer-accessed and associated with a conventional bank or financial institution and provides conventional information, products and services offered by a bank and is a gateway to other "non-bank" information.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking, savings, etc.), creating and storing an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for payment. This process involves storage and retrieval of data and images captured from at the remote check capture locations. However, the storage and retrieval of data is a by-product of the invention and will use commonly accepted commercially available storage and retrieval hardware and software. The information created and stored by the invention would be the type of information that the reference could make available through its processes. However, the invention will have the ability to store and make available information also using conventional storage and retrieval hardware and software.

The exact presentation of the retrieved data will be directed by the inventive software to meet the needs of the institution owning the software.

G. Josephson Patent

United States Patent No. 5,691,524, ELECTRONIC CHECK PRESENTMENT SYSTEM HAVING A NON-ECP EXCEPTIONS NOTIFICATION SYSTEM INCORPORATED THEREIN, issued on November 25, 1997 to Stanley M. Josephson. The reference deals with transmitting check MICR information after the capture of said information using the normally accepted methods of capturing check information. The transmitted MICR uses an improved Electronic Check Presentment (ECP) system and the information is used by the recipient financial institution to determine if the check is payable out of the makers account. If the check is not payable information is sent to the capturing institution to not send the paper check. The check is instead returned to the depositor for return to the maker or redeposit. This process does not deal with in any way with the remote deposit of checks. It also does not eliminate the processing of checks using paper checks from the point of first capture, etc. Is specifically used to pre-notify the maker bank of checks being processed for them by the bank of first deposit so that the maker bank can determine if the checks are all going to be payable at their bank. If they are not going to be payable, the bank of first deposit will return the check to the payee instead of routing the check to the maker bank and receiving it back from the maker bank when it is determined by the maker bank that it is not payable.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking, savings, etc.), creating an electronic image of the checks so the original can be destroyed and using

the image of the checks to present an image to the maker bank for payment. This process does not involve any transfer of MICR information for the sole purpose of pre-determining return items to preclude the paper checks from initially being sent to the maker bank for checks that will be returned. It uses the inventive process to move images of checks electronically and have funds moved into the depositor's accounts as a result of the check collection processes. As a result of this processing it may be determined at anytime that a check will not be payable by the maker. If so this determination will be made based on the image data that is created from the original check. Return decisions will be made using image and MICR data associated with the capture of the check. If return decisions are made on the image data it is incidental to the overall purpose of remote image capture and processing of the invention and does not follow the same procedures or notification paths, as does the reference.

H. Geer Patent

United States Patent No. 5,583,759, MECHANISM FOR EXPEDITING THE DEPOSIT, TRANSPORT AND SUBMISSION OF CHECKS INTO THE PAYMENT SYSTEM, issued on December 10, 1996 to Terry L. Geer. This reference includes the capture of financial information at locations created for lock box processing. The lock box process allows for checks or other financial instruments to be captured along with a payment coupon as part of the payment process. The check images are captured as well as the MICR line. The checks can either be sent to a central site for capture and presentment through the normal check clearing paths or the MICR line information is captured at the lock box site and sent to the central site for further electronic sorting and processing both with regard to the introduction of the checks into the payment system and the crediting of funds

represented by the checks to the payee's account at the bank.. When the image is captured it is retained for research purposes. Once at the central site the checks or electronic totals are credited to the account of the sender and the check information is forwarded through the electronic channels.

The current patentable process differs in that it contains nothing related to payment processing. The process is designed to capture images and MICR line information of the checks that are going to be credited to the payee's account and processed as an image through the check clearing channels. Once the check is captured it is voided and can be retained, destroyed by the depositor, or returned to the person who gave it to the depositor, or destroyed.

The primary differences are that the inventive process is not a lock box process, and the process to be patented is based on using check images for the clearing process as compared to bank information from the checks as in the referenced patent. In addition, the patent is designed to scrutinize the check data at the remote site as it is being captured through an interactive process with a central site to ensure the data and depositor information is complete and correct. Any check not passing this scrutiny will either reject for manual processing, or the data will be changed with interactive direction from the central site, and the image is processed. The checks are also endorsed and voided (to keep them from being re-deposited) at the direction of the central computers or check processing personnel. At this point the physical check can either be filed, returned to the person who gave it to the depositor, or destroyed by the depositor.

I. Josephson et al. Patent

United States Patent No. 5,412,190, ELECTRONIC CHECK PRESENTMENT SYSTEM HAVING A RETURN ITEM NOTIFICATION SYSTEM INCORPORATED THEREIN, issued on May 2, 1995 to Stanley M. Josephson, et al. The reference deals with transmitting check MICR information after the capture of said information using the normally accepted methods of capturing check information. The transmitted MICR uses an improved Electronic Check Presentment (ECP) system and the information is used by the recipient financial institution to determine if the check is payable out of the makers account. If the check is not payable information is sent to the capturing institution to not send the paper check. The check is instead returned to the depositor for return to the maker or redeposit. This process does not deal in any way with the remote deposit of checks, or eliminating the processing of checks using paper checks from the point of first capture, etc.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking, savings, etc.), creating and storing an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for payment. This process does not involve any transfer of MICR information for the sole purpose of pre-determining return items to preclude the paper checks from initially being sent to the maker bank for checks that will be returned. It uses the inventive process to move images of checks electronically and have funds moved into the depositor's accounts as a result of the check collection processes. As a result of this processing it may be determined at anytime that a check will not be payable by the maker. If so this determination will be made based on the image data that is created from the original check. Return decisions will be made using image data and not the MICR data associated with the capture of the

check. If return decisions are made on the image data it is incidental to the overall purpose of remote image capture and processing of the invention and does not follow the same procedures or notification paths, as does the reference.

J. Campbell et al. Patent

United States Patent No. 5,373,550, TRANSMISSION OF CHECK IMAGES BY WAY OF A PUBLIC SWITCHED TELEPHONE NETWORK, issued on December 13, 1994 to Walter G. Campbell et al. The reference deals with the hardware and network required to transmit images of checks. It does not deal with the processes or purposes used to capture and process checks – only the physical transmission of such information.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking, savings, etc.), creating and storing an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for payment. This process involves the transmission of information and check images associated with a particular deposit and/or depositor. However, the transmission of such data will be done using commonly accepted commercially available transmission facilities and/or hardware.

K. Perazza Patent

United States Patent No. 5,326,959, AUTOMATED CUSTOMER INITIATED ENTRY REMITTANCE PROCESSING SYSTEM, issued on July 5, 1994 to Justin J. Perazza. The reference is designed to pay bills through the automatic transfer of funds from an individuals/businesses

accounts. This process uses the traditional funds transfer processes (ACH, ATM, Teller Transfers, etc.) that are initiated by a process utilizing an inventive "Customer Payment Instruction" sheet that is filed out by the bill payer and given to their financial institution bank or branch location. This is designed to be a manual process for tellers to do in their quiet periods. If the volume is great enough the reference alludes to using automatic envelope opening equipment and/or manual or semi-automatic equipment for reading the CPI's. There is no specific reference as to if this equipment currently exists or if it would need to be invented.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking, savings, etc.), creating an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for payment. This process does not involve any transfer of funds through the normal funds transfer processes for the purpose of payment processing. It uses the inventive process to move images of checks electronically and have funds moved into the depositor's accounts as a result of the check deposit and collection processes.

L. Rogan et al. Patent

United States Patent No. 5,321,816, LOCAL-REMOTE APPARATUS WITH SPECIALIZED IMAGE STORAGE MODULES, issued on June 14, 1994 to James D. Rogan et al. This reference is for a storage system for high speed, high volume data storage. This patent does not deal with the physical handling and/or editing of the check capture process. It is an apparatus that "provides a network combining a local site having a host computer and a specialized storage and retrieval module for storing image information which is connected to a remote site having document

processing equipment working with remote specialized storage retrieval modules for storage of image and information data. While the system uses imaging technology to capture and process images of documents for item processing it is not specifically concerned with the traditional processes of capturing check, posting them to payee accounts and presenting the checks at the payor bank for collection. Rather it deals with the hardware and software to allow for the capture and storage of such.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking, savings, etc.), creating an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for payment. The invention is not specifically concerned with the hardware and software used for the storage. It will use whatever is appropriate and available on the market for this. The specific focus of the invention is the process involved in eliminating checks and using their images for processing and collection.

M. Stephens et al. Patent

United States Patent No. 5,237,159, ELECTRONIC CHECK PRESENTMENT SYSTEM, issued on August 17, 1993 to Stephens et al. The reference is based on traditional check capture in central locations. The depositor takes their deposit to a bank or branch and the deposit is forwarded to the central capture site. The checks are captured on check sorters and forwarded to the maker bank for collection of funds. The bank of first deposit extracts MICR data from the captured information and forwards that information to the maker bank where the maker bank matches the electronic information to the paper items when they arrive.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking, savings, etc.), creating and storing an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for collection. The reference deals with the sorting and routing of physical checks at centralized locations while the invention deals with capturing check images at remote locations and using the check images to present to the maker bank for collection. The invention further eliminates the ongoing need for the physical so they can be destroyed by the depositor or returned to the check maker, while the reference depends on the physical items for the collection process.

N. Case Patent

United States Patent No. 4,358,671, CHECK PROCESSING SYSTEM, issued on November 9, 1982 to John M. Case. The reference relies on a specially designed check to collect funds. The check is designed such that it can be processed through the normal paper check collection channels. It also has special characteristics that mark it as a check that can be processed through the EFT processes. In either circumstance the check is presented at a bank or branch of the bank of first deposit and it is sent to a central site for capture. Once presented at the central site the check is proof encoded with the check amount and processed through the bank of first deposit's check capture system. If the check is marked for EFT collection the appropriate MICR information is loaded into a data file for processing through the EFT process.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking,

savings, etc.), creating and storing an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for collection. The reference deals with the sorting and routing of physical checks from into a central site for collection and the method of collection is either the normal paper check collection path or through the EFT path. The reference does not use image data in any way to identify, process or clear checks to the drawer bank. The patent is designed specifically to use images of the checks captured at remote locations for processing and collection.

O. Braun et al. Patent

United States Patent No. 4,321,672, FINANCIAL DATA PROCESSING SYSTEM, issued on March 23, 1982 to Edward L. Braum. The reference is a method for providing user access to a selected group of document images of all kinds including check images. The traditional high-speed image capture is used to acquire and store the image of the checks. Once the image is created additional reference data is added to it (by the reference patent) and it is stored for retrieval (CD, print, and on-line viewing, etc.). This system is first and foremost an image storage, retrieval and view system with the traditional check processing and collection methodology continuing and "feeding" this system to enable it to store and retrieve images for later reference. This system does not deal with check depositing, rather it is the beneficiary of traditional check depositing and processing.

The inventive patent is directed at enabling customers to deposit checks remotely (at a home, place of business, bank branch, or bank location) which includes crediting their account (checking,

savings, etc.), creating an electronic image of the checks so the original can be destroyed and using the image of the checks to present an image to the maker bank for payment.

P. Owens et al. Patent

United States Patent No. 4,264,808, METHOD AND APPARATUS FOR ELECTRONIC IMAGE PROCESSING OF DOCUMENTS FOR ACCOUNTING PURPOSES, issued on April 28, 1981 to Clifford J. Owens et al. The reference patent allows for remote capture of documents (some of which may be checks) for accounting purposes. In the preferred embodiment, the system is referred to as a banking system. Checks are taken to a teller location as per column 9 line 7 of Patent 4,264,808. The documents are manually prepared and control documents inserted prior to the checks being read by a machine designed to read an image of the check. Once an image is taken it is electronically transmitted to a processing site (for preprocessing the image data) and the checks are physically routed to the same site where the physical items are matched to the electronic preprocessed data. The physical checks are then matched to the electronic image data, the check amount is encoded in MICR ink on the physical checks, and the checks are then routed to the maker banks while the imaged data is used for interfacing appropriated data to the accounting systems.

The inventive process allows for capturing images for accounting purposes as well as for check clearing purposes using only the image rather than the physical item. The checks can be captured at any location that has a physical device required for reading images and identifying MICR line information.. It is not necessary to present the checks for deposit at a bank or bank branch location as in the referenced patent. Once imaged the physical item can either be filed, returned to the person who gave it to the depositor, or destroyed by the depositor. The physical item is not

required by the inventive process as is the case in the reference patent. Another difference is that the patent is designed to scrutinize the check data at the remote site as it is being captured through an interactive process with a central site to ensure the data and depositor information is complete and correct. Any check not passing this scrutiny will either reject for manual processing, or the data will be changed with interactive direction from the central site, and the image is processed. The checks are also endorsed and voided (to keep them from being re-deposited) at the direction of the central computers or check processing personnel. At this point the physical check can either be filed, returned to the person who gave it to the depositor, or destroyed by the depositor.

CONCLUSION

While general discussions of the differences between the references as located in the patent search and the invention as disclosed in the patent application at hand have been freely and openly produced, it should be appreciated that the actual scope of the invention is defined by the claims of the invention. The claims of the present invention are readily distinguishable from the teachings of each of the references cited and discussed herein. Thus, Applicants respectfully submit that the claims are neither anticipated nor rendered obvious by any of the references cited herein. Prompt allowance is expected and appreciated. Should the Examiner find any impediments to prompt allowance, they are invited to contact the attorney of record below.

DATED this 28 day of July, 2000.

Respectfully submitted,



Kevin K. Johanson
Attorney for Applicant
Registration No. 38,506



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Form PTO-1449

Sheet 1 of 2

Applicant: Buchanan et al.

Serial No.: 09/560,779

Att'y Docket No. 7905.15

Filing Date: April 28, 2000

Group: _____

For: METHOD AND SYSTEM FOR PROCESSING FINANCIAL
INSTRUMENT DEPOSITS PHYSICALLY REMOTE FROM
A FINANCIAL INSTITUTION

SUPPLEMENTAL INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____A1	6,032,137	*Feb. 29, 2000	Ballard	H04L	9/00	May 19, 1998
_____A2	5,999,624	*Dec. 7, 1999	Hopkins	H04K	1/00	Dec. 24, 1996
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_____A6	5,787,403	Jul. 28, 1998	Randle	G06F	17/60	Mar. 8, 1995
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Patent is subject to Terminal Disclaimer

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

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Sheet 2 of 2

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Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

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The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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